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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 KEVIN JOE BRUNSON,

9 Plaintiff,

Case No. C17-759-JLR-JPD

10 v.

ORDER TO SHOW CAUSE

11 JAMES ROGER, Detective, Seattle Police  
12 Department,

13 Defendant.

14 Plaintiff Kevin Joe Brunson is currently confined at the King County Correctional  
15 Facility in Seattle, Washington. He has submitted to the Court for filing a civil rights complaint  
16 pursuant to 42 U.S.C. § 1983 in which he asserts that the defendant in this action, Seattle Police  
17 Detective James Roger, improperly seized property belonging to plaintiff which is unrelated to  
18 the investigation or prosecution of any felony offense. (Dkt. 1-1 at 3.) Plaintiff requests that his  
19 personal property be returned to him. (*Id.* at 4.)

20 The Due Process Clause provides that no person shall be deprived of “life, liberty, or  
21 property, without due process of law.” U.S. Const. Amend. V. However, where a state  
22 employee’s random, unauthorized act deprives an individual of property, either negligently or  
23 intentionally, the individual is relegated to his state post-deprivation process, so long as the state

1 provides an adequate post-deprivation remedy. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984);  
2 *Parratt v. Taylor*, 451 U.S. 527, 540-41 (1981), *overruled on other grounds by Daniels v.*  
3 *Williams*, 474 U.S. 327 (1986). Washington State provides a post-deprivation remedy for the  
4 alleged tortious conduct of city and county employees under RCW 4.96. Thus, any claims  
5 pertaining to the loss of plaintiff's personal property are not cognizable in this action.

6 Accordingly, the Court hereby ORDERS as follows:

7 (1) Plaintiff shall SHOW CAUSE not later than ***thirty (30) days*** from the date on which  
8 this Order is signed why this action should not be dismissed pursuant to 28 U.S.C.  
9 § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

10 (2) The Clerk shall send copies of this Order to plaintiff and to the Honorable James L.  
11 Robart.

12 DATED this 13th day of June, 2017.

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14 JAMES P. DONOHUE  
15 Chief United States Magistrate Judge  
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